Date: 12/7/2011 1:58 PM
Subject: MSP NCJA Sharing - Update

Dear NCJA:

This is an update on behalf of the Department of Michigan State Police (MSP), Criminal Justice Information Center (CJIC), Audit and Training Section (ATS). You are receiving this message due to further research and sharing clarification by the MSP. The ATS is continuously reviewing and seeking clarification on various subject matters, in respect of our new findings we feel it pertinent to share this clarification with your agency.

One matter that has been at the forefront is... Can a school agency (as defined by The Revised School Code) share CHRI responses with a contracting entity per sharing guidelines (for the purpose of employment with another agency)?

The MSP's interpretation (MCL 380.1230a(8)), and in coordination with the FBI, the answer is yes . As long as the following apply:

1. Individual for which the record pertains has given written consent to the school agency to share.
2. Individual in question is continuously and regularly employed (with no break in service).
3. The request made is to the original requester that obtained the CHRI result.
4. So long as a user agreement* exists between the contractor and the school agency to which the request was made.

* User exchange agreements shall be signed agreements and established to protect the information exchange of CJI, no matter the form. Agreements shall outline the roles, responsibilities, and data ownership between agencies; and ensure all parties fully understand and agree to a set of security standards.

Example:

If school agency (original requester) has to now let go of some employees (due to budget etc...), and those same employees will now become employees of a contracting agency (no break in service), then the school agency could share the CHRI response with the contractor for the purpose of employment.

Additional comments or questions can be forwarded to the MSP-CJIC-ATS@michigan.gov.

Thank you for your time and patience,
MSP ATS Staff